



Filed Electronically _____

Entered on Docket
January 20, 2010

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES

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Wells Fargo Home Mortgage
09-70722 / 0257921551

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEVADA**

In Re:

Annie Phillips

Debtors.

09-15389-bam

Motion no.
Date:
Time:

Chapter 13

ORDER VACATING AUTOMATIC STAY

Pursuant to the Declaration re Breach of Condition filed on December 21, 2009 and Debtors failure to cure the default prior to its expiration, and good cause appearing.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the
2 above-entitled bankruptcy proceeding is immediately vacated and extinguished for all purposes as to
3 Secured Creditor, Wells Fargo Home Mortgage its assignees and/or successors in interest, and Secured
4 Creditor may proceed with a foreclosure of and hold a Trustee's Sale of the subject property, generally
5 described as 1129 Mill St. , Ely NV and legally described as follows:

6 Lots 14, 15, 16. 17 and 18, Block A of the WHITE BROWN ADDITION TO THE CITY OF
7 ELY, according to the Official Map thereof, filed in the office of the County Recorder of White Pine
County, Nevada, State of Nevada.

8 pursuant to applicable State Laws, and thereafter commence any action necessary to
9 obtain complete possession of the subject property.
10

11 **IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall**
12 **give Debtors at least five business days' notice of the time, place and date of sale.**

13
14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby
15 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee
16 of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its
17 secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the
18 foreclosure sale.

19 Submitted by:

20 Wilde & Associates

21
22 By /S/GREGORY L. WILDE

23 **GREGORY L. WILDE, ESQ.**
24 Attorney for Secured Creditor
25 208 South Jones Boulevard
26 Las Vegas, Nevada 89107

1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☒ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☒ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
19 parties who appeared at the hearing; and each has approved or disapproved the order, or failed to
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor